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ADV FOR AMS THURS NOV 28 OR THEREAFTER

JFK SLAYING 11 YEARS LATER:

WAS OSWALD AN FBI AGENT?

BY ROBERT M. ANDREWS

WASHINGTON (UPI) -- FORMER CIA DIRECTOR ALLEN W. DULLES TOLD HIS WARREN COMMISSION COLLEAGUES EARLY IN THEIR INVESTIGATION THAT THEY HAD NO CHOICE BUT TO ACCEPT J. EDGAR HOOVER'S DENIAL THAT LEE HARVEY OSWALD WAS EVER AN UNDERCOVER FBI AGENT.

IN A NEWLY DECLASSIFIED DOCUMENT NOW MADE PUBLIC, DULLES INDICATED THE FBI DIRECTOR MIGHT NOT ACKNOWLEDGE OSWALD'S EMPLOYMENT EVEN HAD HE KNOWN IT WAS A FACT.

IN THE TRANSCRIPT OF A PRIVATE COMMISSION MEETING JAN. 27, 1964, DULLES SAID BOTH THE FBI AND THE CIA PROBABLY WOULD LIE TO EVERYONE BUT THE PRESIDENT TO CONCEAL THE IDENTITIES OF THEIR AGENTS AND INFORMANTS.

THE TRANSCRIPT, PUBLISHED IN A NEW BOOK BY HAROLD WEISBERG ENTITLED "WHITEWASH IV," SHOWS THAT THE HIGH-LEVEL COMMISSION INVESTIGATING PRESIDENT JOHN F. KENNEDY'S ASSASSINATION WAS TROUBLED BY SPREADING RUMORS THAT OSWALD HAD BEEN ON THE FBI PAYROLL.

"WHAT YOU DO IS YOU MAKE OUT A PROBLEM, IF THIS BE TRUE, MAKE OUR PROBLEM UTTERLY IMPOSSIBLE BECAUSE YOU SAY THIS RUMOR CAN'T BE DISSIPATED UNDER ANY CIRCUMSTANCES," COMPLAINED HOUSE DEMOCRATIC WHIP HALE BOGGS.

"I DON'T THINK IT CAN, UNLESS YOU BELIEVE MR. HOOVER, AND SO FORTH AND SO ON, WHICH PROBABLY MOST OF THE PEOPLE WILL," DULLES REPLIED.

"YOU CAN'T PROVE WHAT THE FACTS ARE," HE ADDED LATER. "I DON'T THINK THERE IS AN EXTERNAL EVIDENCE OTHER THAN THE PERSON'S WORD THAT HE DID OR DID NOT EMPLOY A PARTICULAR MAN AS A SECRET AGENT. NO MATTER WHAT."

IN SWORN TESTIMONY BEFORE THE COMMISSION A FEW MONTHS LATER, FBI DIRECTOR HOOVER AND JOHN A. MCCONE, THEN DULLES' SUCCESSOR AT THE CIA, DENIED OSWALD HAD ANY CONNECTION--DIRECT OR INDIRECT--WITH THEIR AGENCIES.

AT ONE POINT DURING THE JAN. 27 MEETING, SEN. RICHARD B. RUSSELL, D-GA., TURNED TO DULLES AND TOUCHED ON THE DELICATE QUESTION OF INTERROGATING THE INVESTIGATORS.

"IF OSWALD NEVER HAD ASSASSINATED THE PRESIDENT, OR AT LEAST BEEN CHARGED WITH ASSASSINATING THE PRESIDENT, AND HAD BEEN IN THE EMPLOY OF THE FBI AND SOMEBODY HAD GONE TO THE FBI, THEY WOULD HAVE DENIED HE WAS AN AGENT," RUSSELL SUGGESTED.

"OH, YES," DULLES REPLIED.

"THEY WOULD BE THE FIRST TO DENY IT. YOUR AGENTS WOULD HAVE DONE EXACTLY THE SAME THING,"

"EXACTLY."

AT ANOTHER POINT, DULLES SAID IT WAS "A TERRIBLY HARD THING TO DISPROVE" THAT SOMEONE WAS A SECRET AGENT. BUT IF HE WERE, DULLES SAID, THE MAN WHO RECRUITED HIM WOULD REFUSE TO DISCLOSE HIS IDENTITY UNDER OATH AND MIGHT EVEN KEEP IT FROM HIS SUPERIOR.

"I WOULD TELL THE PRESIDENT OF THE UNITD STATES ANYTHING, YES, I AM UNDER HIS CONTROL. HE IS MY BOSS. I WOULDN'T NECESSARILY TELL ANYBODY ELSE, UNLESS THE PRESIDENT AUTHORIZED ME TO DO IT," HE SAID.

A FEW MOMENTS LATER, HE ADDED: "WHAT I WAS GETTING AT, I THINK UNDER ANY CIRCUMSTANCES, I THINK MR. HOOVER WOULD SAY CERTAINLY HE DIDN'T HAVE ANYTHING TO DO WITH THIS FELLOW."

DURING THE 3 1/2-HOUR MEETING, J. LEE RANKIN, THE COMMISSION'S GENERAL COUNSEL, SAID PART OF THE DIFFICULTY IN TRYING TO QUESTION FBI AUTHORITIES ABOUT WHAT THE AGENCY DID IN DALLAS AFTER THE NOV. 22, 1963, ASSASSINATION WAS THAT "THEY HAVE NO PROBLEM."

RANKIN ADVISED THE COMMISSION "THEY HAVE DECIDED THAT IT IS OSWALD WHO COMMITTED THE ASSASSINATION, THEY HAVE DECIDED THAT NO ONE ELSE WAS INVOLVED ..."

"THEY HAVE TRIED THE CASE AND REACHED A VERDICT ON EVERY ASPECT," RUSSELL SAID.

"YES, 'WE KNOW WHO KILLED COCK ROBIN'," SAID JOHN J. MCCLOY. "THAT IS THE POINT. IT ISN'T ONLY WHO KILLED COCK ROBIN. UNDER THE TERMS OF REFERENCE WE HAVE TO GO BEYOND THAT."

THE MEMBERS SEEMED TO AGREE WITH RUSSELL'S OBSERVATION THAT "OF COURSE, WE CAN GET AN AFFIDAVIT FROM MR. HOOVER AND PUT IT IN THIS RECORD AND GO ON AND ACT ON THAT, BUT IF WE DIDN'T GO ANY FURTHER THAN THAT...THERE STILL WOULD BE THOUSANDS OF DOUBTING THOMASES WHO WOULD BELIEVE THIS MAN WAS AN FBI AGENT AND YOU JUST DIDN'T TRY TO CLEAR IT UP AND YOU JUST TOOK HOOVER'S WORD."

WEISBERG, OF FREDERICK, MD., A LEADING ADVOCATE OF THE ASSASSINATION CONSPIRACY THEORY, OBTAINED THE TRANSCRIPT AND OTHER DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT AFTER A LENGTHY COURT BATTLE.

IN HIS BOOK AND IN AN INTERVIEW, WEISBERG SAID THE COMMISSION WAS SO INTIMIDATED BY HOOVER'S POWER THAT IT SETTLED FOR PRO FORMA DENIALS FROM HOOVER AND MCCONE INSTEAD OF TRYING TO GET INDEPENDENTLY TO THE SOURCE OF THE UNDERCOVER AGENT RUMOR WHILE ALSO QUESTIONING FBI AUTHORITIES.

HE ACCUSED RANKIN OF ENGINEERING A COVER-UP OF WHAT THE TRANSCRIPT QUOTED RANKIN AS CALLING A "DIRTY RUMOR" THAT "MUST BE WIPED OUT INSOFAR AS IT IS POSSIBLE TO DO SO BY THIS COMMISSION."

JIM LESAR, A WASHINGTON LAWYER WHO HELPED WEISBERG WITH THE BOOK, SAID THE COMMISSION WAS "CAUGHT IN THE SITUATION WHERE THE ONLY INVESTIGATORS THEY HAD WERE THOSE OF THE FEDERAL AGENCIES THEMSELVES, WHICH PUT THEM IN THE POSITION OF INVESTIGATING THEMSELVES.

"CONSEQUENTLY, NO REAL INVESTIGATION WAS MADE," LESAR SAID.

RANKIN, REACHED BY TELEPHONE IN NEW YORK, DECLINED COMMENT. HE SAID HE HAD NO "INDEPENDENT RECOLLECTION" OF THE MATTER WITHOUT CHECKING HIS VOLUMINOUS FILES.

DULLES, RUSSELL, BOGGS AND EARL WARREN, THEN CHIEF JUSTICE AND THE COMMISSION CHAIRMAN, ARE DEAD.

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